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Date: July 21, 2003  
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Our Ref. No.: PF-0333-2 DIV  
Your Ref. No.: 09/836,561  
Page(s): 3 , including cover sheet

Comments:

Attached is a Revised Terminal Disclaimer for the above-identified patent application pursuant to your request.

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Docket No.: PF-0333-1 DIV

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Certificate of Transmission

I hereby certify that this paper is being facsimile transmitted to the attention of Examiner Sheela Huff, Group Art Unit 1642, U.S. Patent and Trademark Office to Facsimile No. 703-746-3122 on July 21, 2003.

By: [Signature] Printed: Katherine Stofer

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: Bandman et al.

Title: HUMAN EXTRACELLULAR MATRIX PROTEINS

Serial No.: 09/836,561

Filing Date: April 16, 2001

Examiner: Huff, S.

Group Art Unit: 1642

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**TERMINAL DISCLAIMER UNDER 37 CFR § 1.321**

Sir:

Petitioner, Incyte Corporation, formerly known as Incyte Genomics, Inc., also formerly known as Incyte Pharmaceuticals, Inc., a Delaware corporation, having a place of business at 3160 Porter Drive, Palo Alto, California 94304, is the owner of the entire interest in the instant application. Petitioner hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, U.S. Patent Number 5,872,234, issued on February 16, 1999 (hereinafter "first patent"). Petitioner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the first patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, Petitioner does not disclaim the terminal part of any patent granted on the instant application that would extend beyond the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of the first patent, in the event that any such patent granted on the second application expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner

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**Docket No.: PF-0333-1 DIV**

terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

The undersigned (whose title is supplied below) represents that he/she is a representative authorized to sign on behalf of Petitioner.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

The Commissioner is hereby authorized to charge the fee for filing a Terminal Disclaimer under 37 CFR § 1.20 for the amount of \$ 110.00 to Deposit Account No. 09-0108, as set forth in the accompanying transmittal letter. If the Commissioner determines that additional fees are due or that an excess fee has been paid, the Patent Office is authorized to debit or credit (respectively) Deposit Account No. 09-0108.

Date

July 21, 2003  
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